

STATE OF CALIFORNIA

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF APPRENTICESHIP STANDARDS
455 Golden Gate Avenue, 10th Floor
San Francisco, CA 94102
Tel: (415) 703-4920
Fax: (415) 703-5477

Arnold Schwarzenegger, *Governor*

www.dir.ca.gov

ADDRESS REPLY TO:
Div. of Apprenticeship Standards
P. O. Box 420603
San Francisco, CA 94142-0603



**STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF APPRENTICESHIP STANDARDS**

AUDIT REPORT

California Apprenticeship Council Commissioners:

Enclosed herein is the Division of Apprenticeship Standards (DAS) audit of the following program sponsor:

East Bay and North Bay Counties
Roofers and Waterproofers JATC
File Number: 02898
1661 20th Street, Suite #3
Oakland, CA 94607

This Audit was conducted according to **Section 3073.1** of the **California Labor Code**.

The report includes the program's response to DAS.

If the recommendations require follow up action by DAS to ensure that they were adequately implemented, the status of the follow-up will be reported at future CAC meetings.

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF APPRENTICESHIP455 Golden Gate Ave. 10th Floor
San Francisco, CA 94102
Phone 415.703.4920
Fax 415.703.5477

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AUDIT SUMMARY

BACKGROUND

The East Bay and North Bay Roofers and Waterproofers JATC, DAS file # 02898 (hereafter referred to as "Program") was selected to be audited by DAS based upon the program's low completion rate.¹ The audit was performed during June of 2007 and was conducted pursuant to California Labor Code §3073.1.

The completion rate for the East Bay and North Bay Roofers and Waterproofers JATC was as follows:

Completion Rate after 1-year percentage (5 years)

| | 2001 | 2002 | 2003 | 2004 | 2005 | Avg. |
|----------|-------|-------|-------|-------|------|-------|
| Industry | 16.06 | 12.59 | 13.57 | 13.91 | 9.88 | 13.00 |
| Program | 10.80 | 4.85 | 5.13 | 11.94 | 3.41 | 6.38 |

FINDINGS AND RECOMMENDATIONS:

The audit team met with Jose O. Padilla, Director of Training and apprenticeship coordinator, who was available throughout the entire process. The audit team found that many specific actions are necessary to bring the program into compliance with their approved standards and legal requirements. The program does have a functioning committee and provides related supplemental instruction with Petaluma and Martinez Adult Schools (Local Education Agency). Most recently, the program has purchased a computerized operation program that has aided the program greatly in monitoring various aspects of the program.

SUMMARIZATION OF THE FINDINGS:

According to the program's own data, in the year 2006, it indentured 299 individuals into the roofing and waterproofing apprenticeship program. As of January 1, 2007, 217 of these apprentices either left the program or were dropped by the program: a dropout rate of 73%.

- 60% of the files reviewed were of apprentices who had either left or cancelled from the program.
- 35% of the files reviewed were missing one or more documents related to advancement, evaluation, or work processes.
- 13% of the files reviewed were of apprentices not progressing in a timely manner when compared to the on-the-job training hours.
- 9% of the files reviewed were of apprentices not progressing in a timely manner when compared to the related supplemental instruction (RSI) hours.

Recommended action steps for correction:

¹ Low completion rates are defined as being fifty percent, (50%) lower than the average for the Roofers and Waterproofers trade in California.

The JATC needs to be more proactive and timely in taking corrective action in the following areas:

- Hold apprentices accountable for non-attendance at school.
- Hold employers accountable, as collaborators and partners, in the entire apprenticeship program (work and instruction).
- Fully utilize the probationary period to evaluate the apprentice's ability to complete the program.
- Closer monitoring of wage increases as it relates to the completion of on-the-job training hours, work process hours, related supplemental instruction and work evaluation.
- The need for a training center
- The exploration of a "penalty period" for re-indenturing, if dropped during probation

Detailed findings and recommendations are included in the following report. With each of these findings, a recommendation was presented to the Training Director to assist with appropriate corrective action. The audit report includes recommendations for improvement. DAS will visit the programs in the future to verify compliance with the recommendations. DAS audit procedures allow the sponsor to respond to the recommendations and their response will become a part of the formal report.

INTRODUCTION

The East Bay and North Bay Roofers and Waterproofers JATC, DAS file #02898, Apprenticeship Program was audited pursuant to Section 3073.1 of the California Labor Code. The audit began June 12, 2007 and completed on June 27, 2007. The auditor(s) met with Training Director Jose O. Padilla. The auditor(s) examined records, observed administrative activities, toured the training facilities, and visited a job site in connection with the audit.

One hundred fifteen (115) files were requested and one hundred three (103) files were provided. Based on these observations and audit activities, we have concluded that the program is not operating within State apprenticeship laws and regulations. We have identified some inadequacies of the programs' compliance with their own standards, in addition to State apprenticeship laws and regulations. We have found that this program needs to implement changes to improve the oversight of their apprentices as they progress through the program.

BACKGROUND

Daily program operations, management and administrative functions are conducted at the Apprenticeship office located at 1661 20th Street, Suite 3, Oakland, CA 94607. The program is funded through employer hourly contributions, Montoya funding and State prevailing wage training fund contributions. The program utilizes 78 signatory employers.

There is Related and Supplemental Instruction (RSI) with the Petaluma and Martinez Adult Schools acting as the Local Education Agencies (LEA). The indenturing process begins with a letter of approval from the Local 81 union office. The apprentice is given direction to the Apprenticeship office where he/she is given an orientation to the program, and signs a statement of understanding and receipt of the program's rules and regulations, training attendance requirements and work processes. Once completed, the apprentice returns to the Local 40 union office for dispatch. Apprentices are instructed to maintain records of their on-the-job-training hours using a program provided monthly work and training record sheet that is designed for recording on-the-job training hours as it relates to the completion of work processes.

The Roofer and Waterproofers Apprenticeship is a 3½-year program consisting of 4,000 hours of on-the-job training and the Standards call for supplemental instruction of not less than 102 hours per year. Apprentices are advanced quarterly, upon completion of RSI and OJT hours with the JATC approval.

SCOPE AND FOCUS

The principle audit objective is to ensure that the program is complying with their standards, that all on-the-job training is performed by journeymen, that all related and supplemental instruction required by the apprenticeship standards is being provided, that all work processes in the apprenticeship standards are being covered, and that graduates have completed the apprenticeship programs' requirements.

The audit focused on reviewing records and activities that tend to support and substantiate the programs' efforts, practices, systems and capabilities to provide and deliver the on-the-job training and related and supplemental instruction. The programs' policies and procedures were reviewed to determine if they support the programs' approved Apprenticeship Standards.

METHODOLOGY

After completing an initial review of the programs' standards and records on file with the DAS, an audit plan was established that included the following steps:

- Notifying the programs at least 14 days in advance of our intent to audit.
- Preparing an entrance interview.
- Organizing all other working papers necessary to conduct the audit.
- Confirming the location of the place where the records are kept and maintained.
- Setting the time and date of the meeting.
- Scheduling a work site visit.

Fieldwork included visiting a work site to observe working conditions and conduct interviews with apprentices and supervisors. The Training facilities were also observed and reviewed.

AUDIT FINDINGS AND RECOMMENDATIONS

(1) STANDARDS

Objective:

To determine whether the program is submitting periodic revisions to their standards and if standards are reasonably current.

(a) Findings

- (1) The original standards for The East Bay and North Bay Roofers and Waterproofers JATC were approved on May 1, 1941. The last revision of approved standards was on September 11, 1978. The last wage revision (DAS-24) was approved on August 1, 2003. The program has submitted a complete and current revision of the program standards and wages. The standards are in possession of the San Francisco DAS office and have been reviewed by the Program Review Unit (PRU). The PRU has requested additional clarification and which is being gathered for resubmission.

(b) Recommendation

- (1) Continue to work with the DAS to assure that the complete revision of standards is processed by our PRU and approved by the Chief.

Article IV (5) of the program's standards, Section 205 (f), 212 (a)(6) (7), (c)(2) (11) of the California Code of Regulations states that the program sponsor must submit revisions to its standards when necessary.

RULES AND REGULATIONS

Objective:

To determine if the program has adequate rules and regulations, is implementing them as required, and providing a copy to the apprentices.

The Committees has adopted rules and regulations specific to their program. After enrolling, apprentices receive an orientation, which covers the program's rules and regulations, RSI training, On-the-Job training, and general procedures related to dispatch, layoff, grievance, etc. The apprentice signs an acknowledgement of understanding of the rules and regulations. The files contained signed copies of this receipt.

Apprentices are cited for failure to follow the rules and regulations. The apprentices is given due notice by mail, to appear before the JATC and give explanation. The cite letter is generated by the Training Director. The disciplinary hearings are heard as part of the regularly scheduled quarterly JATC meeting, which is held at the Local Union hall in Oakland. Non-appearance, unless excused by the committee, is sufficient grounds for recommendation to the State Administrator of Apprenticeship for cancellation from the program for failure to comply with a committee directive.

(a) Findings

- (1) We found the program is not meeting frequently enough to address certain issues related to disciplinary actions and or cancellations of the apprentice(s).

(b) Recommendation

- (1) Due to the high number of apprentices, the JATC needs to meet more frequently to address certain issues. In many instances corrective action could have been remedied, either some form of disciplinary action or request for cancellation, if done in a timelier manner – Due within 60 days.

Delay's like this result in a lag time of up to four months, which adversely affects the program's completion rate and its ability to maintain an accurate apprentice roster.

Article VI (2) of the program's standards, Section 3071, 3073, and Section 212 (a)(6) (7), (c)(2)(3)(8),(14) of the California Code of Regulations states that the program must establish rules and regulations that govern the program.

ACTIVE APPRENTICES AND CANCELLATIONS:

Objective:

To determine if the program is monitoring apprentices as they enter and flow through the programs, and to determine if the program is maintaining accurate records of both active and cancelled apprentices.

(a) Findings

- (1) It was determined prior to the audit that the program's active apprentice list was not up to date with DAS records. Thus, efforts were made to bring the list, as close to being updated, as possible. The program has been in contact with its DAS consultant to reconcile the records on an on-going basis.
- (2) It has been determined that the JATC has not fully done its due oversight in insuring a timely completion of the program. The auditors discovered that 13% of the files reviewed were of apprentices not progressing in a timely manner when compared to the on-the-job training hours. Further, 9% of the files reviewed were of apprentices not progressing in a timely manner when compared to the related supplemental instruction (RSI) hours.

(b) Recommendation

- (1) The program(s) should keep the DAS informed of cancellations and completions every 30 days.
- (2) The program should develop a tracking system that can assist the Training Director and JATC to identify apprentices in this situation. This tracking system would allow the JATC to take action and gain control over this area – Due within 60 days.

Section 205 (a)(1)(2) (i), 212 (a)(6) (7)(8), (b)(9), (c)(2)(10) 224 of the California Code of Regulations states that the program sponsor must maintain accurate apprenticeship records and submit changes, updates and revisions of an apprentice's status when necessary.

ON-THE-JOB TRAINING (OJT)

Objective:

To determine if apprentices are progressing on schedule, that the programs are maintaining adequate OJT records, and to determine if the programs have adequate systems in place to ensure that apprentices are covering all the work processes.

There were records of OJT hours in the reviewed apprentice files. Part of the programs status report includes details of the total number of OJT hours that the apprentice has completed.

The program has a system to keep track of the OJT hours worked by the work processes covered. The program provides the apprentice with a sheet to tally the work processes and is collected when advancement is warranted.

(a) Findings

- (1) This practice listed above is not fully followed, and the auditors were unable to determine if all apprentices were in compliance.

(b) Recommendation

- (1) Develop a system that allows the recording of the OJT hours spent in each Individual work process into the status report and make this information available for the JATC take corrective action, if needed – Due within 60 days.
- (2) Convey the importance of timely and accurate reporting to the apprentice and employer.- Due within 30 days.
- (3) Keep a record of the OJT hours per work process in each apprentice file. – Due within 30 days.
- (4) Develop a mechanism to track and/or identify apprentices who have not submitted timely OJT hours. The program should follow and enforce their Rules and Regulations and cite apprentices as required when violations occur – Due within 60 days.
- (5) Enforce evaluations of the apprentices, as a means, to ensure proper training and supervision in all required work processes. – Due within 30 days,.

Section XVII of the program's standards, and Section 3073.1, 3076, 3078(e) of the Labor Code, and Sections 210, 212(a) (4), (b) (9), (c) (2) (16) (18), of the California Code of Regulations. The program must offer training and supervision in all the work processes defined in its standards and has a system to ensure that apprentices cover all the work processes. The program must have a system of documenting and maintaining records that will assist in the review and evaluation of the apprentice's progress in job performance.

RELATED AND SUPPLEMENTAL INSTRUCTION (RSI)

Objective:

To determine if apprentices are progressing on schedule, attending classes, and covering the entire course of study. To ensure the programs are maintaining accurate records with adequate systems in place to provide the training.

The program's records are very accurate and detailed. Status reports for each apprentice is kept by the Training Director and placed in the file. Instructors are required to take attendance and each apprentice is required to sign-in.

(a) Findings

The placements of apprentices in the courses are designed without regard to the level/period in the apprenticeship program. Thus, there are all levels/periods of apprentices in the classroom.

During the review of the programs past agenda minutes (one year), there was no record of attendance by the LEA representative.

(b) Recommendation

- (1) Expand or develop a curriculum that insures adequate placement of apprentices, in relation to the level or period of apprenticeship – Due within 30 days.
- (2) Continue to invite the LEA representative to committee meetings, and encourage their participation – Due withing 30 days.
- (3) Secure a training facility that allows for uninterrupted instruction from other programs on campus and the storage of materials, supplies and mock-ups – Due within 90 days.
- (4) Develop a process to track apprentice RSI status that will timely identify apprentices who are not progressing on schedule. Once identified, take appropriate action to make sure that the apprentices are receiving the appropriate RSI – Due within 60 days.
- (5) Supply each apprentice with a quarterly status on actual vs. planned completion of both RSI and OJT hours – Due within 60 days.

Section XVI of the program's standards, Section 3073.2, 3078(d), of the California Labor Code, and Section 205(e)(h), 212(a)(3)(6)(7) (c)(13)(14) of the California Code of Regulations states that it is recommended that the program provide a minimum of 144 hours per year of supplemental instruction for each year of apprenticeship and adequate arrangements for related and supplemental instruction, and have the ability and commitment to train apprentices with current industry standard criteria.

PROGRESS RECORDS, PERIODIC ADVANCEMENTS AND EVALUATIONS

Objective:

To determine if apprentices advance on schedule, receive periodic evaluations and to ensure the programs have adequate records and systems in place to monitor progress and keep apprentices on schedule.

Progress records, periodic advancements and evaluations are reviewed and approved by the JATC, with a recommendation from the Training Director. When an apprentice enters the program the JATC grants how much credit is given based on employment history, past participation, and recommendation from sponsoring employer. The JATC decides when the apprentice advances, after meeting pre-determined OJT hours and RSI classroom hours completion. The JATC submits to DAS a request for a trade certificate when the apprentice(s) have completed all requirements of the program.

(a) Findings

- (1) In the 103 records reviewed, there was evidence of documentation for upgrades in the files, including support documentation for completion certificates. However, the evidence was not complete. For example, there was missing documentation that failed to show the full progression of upgrades. Some records had evidence of progression for periods, 2, 3, & 5, but were missing for periods 4 & 6. In addition, the completion letter was not present in all records. At least, 35% of the records showed evidence of this lack of documentation.
- (2) The program does have an adequate means of evaluating apprentice at the work site. However, the JATC does not adequately enforce the return and completion of these evaluations. The Training Director at times must contact the employer and receive a verbal evaluation, and then make the recommendation to the JATC. However, this type of evaluation does not supersede a written statement on how well an apprentice is grasping the trade.
- (3) There is substantial evidence gathered from the program's own data of apprentices not completing one year in the program. For apprentices indentured during 2006, the dropout rate is 61%.
- (4) The Training Director is instrumental in monitoring or reviewing apprentice records, on-the-job training activities, related and supplemental instruction, or advancements.

(b) Recommendation

- (1) Establish a process to identify apprentices who are not progressing on schedule so that they can be counseled early and consistently throughout their training – Due within 30 days.
- (2) Enforce and re-educate the employer of the process to document

apprentice's evaluation at the worksite. This document should be signed by the apprentice and job site representative, and reviewed by the Training Director – Due within 30 days.

- (3) Any below average scores or ratings should be brought to the JATC attention for review and, if necessary, appearance by the apprentice to the JATC – Due within 30 days.
- (4) Any employer found not in compliance should be brought to the JATC attention for review and, if necessary, appearance by the employer to the JATC for explanation or deregistration – Due within 30 days.
- (5) Develop a tracking system to monitor the possible causes of low retention. Data should include why apprentices are leaving, when apprentices are leaving, and what employer was the apprentice employed to work – Due within 30 days.
- (6) Supply each apprentice with a quarterly status on actual vs. planned completion of both RSI and OJT hours – Due within 60 days.

Section 208, 212 (a) (5) (7) (8), (b) (9), (c) (6) (8) (9) of the California Code of Regulations. The program(s) must have a procedure for recording and maintaining accurate records, and a procedure for periodic review and evaluation of progress.

MECHANISM TO KEEP APPRENTICES REASONABLY EMPLOYED

Objective:

To determine if apprentices are kept reasonably employed, and to ensure the program(s) have adequate systems in place to rotate apprentices so they may cover all the work processes, and to provide apprentices with continuing employment in the event of layoff.

As part of the orientation process, the apprentice is informed of the layoff process and how to get on the "out of work list. This information is given to the apprentice during orientation and that upon layoff they are to go to the union hall.

(a) Findings

- (1) The apprenticeship program does have a system of keeping apprentices reasonably employed through a job referral system. In the event of a layoff, the apprentice has been informed that he/she is to immediately go the union hall and inform the union hall of the layoff. The apprentice is then placed on a "out of work" list and called for employment when it is available to them.
- (2) As noted previously, the program does have a means to track the OJT hours as it relates to the completion of the work processes, however, without this timely documentation, an apprentice may find themselves completing all the work processes, but having a concentrated trade specific skill.

(b) Recommendation

- (1) Establish a process to review work process and, if necessary, move the apprentice to another employer or have the employer change the job assignment, to insure full exposure and training in all the work processes – Due within 30 days.
- (2) Develop a tracking system to monitor the possible causes of low retention. Data should include why apprentices are leaving, when apprentices are leaving, and what contractor was the apprentice employed to work – Due within 30 days.

*Section 3080 of the Labor Code, and Section 212 (b) (7) (9), (c) (16) (18) of the California Code of Regulations. The program(s) must have a mechanism to keep apprentices reasonably employed and maintain accurate documentation
Section 3080 of the Labor Code, and Section 212 (b) (7) (9), (c) (16) (18) of the California Code of Regulations.*

TRAINING CENTER

Objective:

To ensure the programs have adequate facilities, tools, materials and equipment to train apprentices, and to determine if the facilities are utilized and adequate for training.

(a) Findings

- (1) The program utilizes two facilities for instruction, one in Santa Rosa with a signatory employer and the other is located at the Drywall/Lather Training Center in Hayward. This arrangement is inadequate. For example, in the Santa Rosa facility, it must share space with an active business and is at the "call" of the employer. While the Hayward facility is large, it does not have adequate space for the storage of materials, supplies or mockups. When there is an overflow of apprentices, space must be found to instruct.

(b) Recommendation

- (1) The JATC has established a building fund that will be used to create a training center. The tentative plan is to purchase or lease property by the end of summer 2007 and have the training facility in full operation by the winter of 2008 – Due within 90 days.
- (3) In the interim, it is recommended that the program lease an additional classroom when there is an overflow of apprentices. Much of this problem can be eliminated when the courses are developing with the level or period of apprenticeship that the student has attained – Due within 60 days.

Section 3074 of the California Labor Code—Section 212(a) (3) (4) (8), (c) (13) (12), 212.3 of the California Code of Regulations states that the program sponsor must have adequate arrangements for related and supplemental instruction.

JOB SITE VISIT

Objective:

The job site visit offers an opportunity to view a job in progress, and observe the work that is being done. It provides the opportunity to discuss the operation of the program with the apprentice. It enables direct contact with the apprentice to determine:

- 1) If the apprentice is performing the various tasks listed within the work processes of their trade
- 2) If advancements are made on schedule
- 3) If the apprentice is receiving the correct pay and benefits
- 4) If the apprentice is kept employed on a reasonably continuous basis
- 5) If the programs' mechanism to keep apprentices reasonably employed is adequate.

The Director of Training (Jose O. Padilla) provide the audit team with three (3) job sites to choose from and the auditor selected one of them. The audit team, then, immediately went to the selected work location.

(a) Findings

- (1) Auditors visited Cisco Systems located at 1150 Tasman Drive in Santa Clara where a roofing project was being prepared and setup for work. The signatory employer Reinhardt roofing has two apprentices They were observed prepping the roof for a new membrane based material and laying out other roofing materials. Each of the apprentices were under the guidance of at least three journeymen.
- (2) The apprentices were interviewed with the following results:
 - The apprentices are receiving the proper pay and benefits.
 - Adequate tools and materials were available at the work site to train the apprentices.
 - There was a proper ratio of Journeymen to Apprentices and adequate supervision.
 - Apprentices are employed at job site covered within the work processes.
 - The first apprentice is attending class and progressing well. However the second apprentices has been in for 3 years, but has only completed 44 hours of RSI. He is aware that due to his lack of attendance at school, his pay increase and completion of program have been delayed.
 - The auditor checked an apprentice for the recording and tracking of OJT hours as it relates to their work processes and he did not have it in his possession.

(b) Recommendation

- (1) The program needs to increase it monitoring of the job sites to ensure that apprentices are adequately employed and supervised – Due within 30 days.
- (2) The program needs to ensure that the apprentices are recording their OJT hours and correctly tracking hours within the individual work processes _ Due within 30 days.

- (3) The program also needs to ensure that the journeyman is knowledgeable of this process, and their responsibilities pertaining to it – Due within 30 days.

Section 208, 212(a) (1) (2) (4), (b) (4) (5) (6), (c) (6) (13) (14) of the California Code of Regulations states that all on-the-job training will be performed by journeymen, that all related and supplemental instruction required by the apprenticeship standards will be provided, that all work processes in the apprenticeship standards are being covered, and that graduates have completed the apprenticeship program's requirements.

SELF-ASSESSMENT REVIEW AND PROGRAM IMPROVEMENT PLAN

Objective:

To determine if the programs have submitted the annual Self-Assessment Review and Program Improvement Plan due December 31, 2006.

(a) Findings

- (1) The required annual Self-Assessment Review and Program Improvement Plan has been submitted for 2006.

(b) Recommendation

- (1) Follow through on areas identified in the assessment. Use the Self-Assessment and Program Improvement Plan as a tool for setting goals for your program and adopt the listed changes during the previous 12-month period.

Section 212 (a) (6) (7), (c) (2) (11), 212.3 of the California Code of Regulations states that the program sponsor must submit annually a Self-Assessment Review and Program Improvement Plan to the DAS.

COMMITTEE MEETINGS AND MINUTES OF MEETINGS

Objective:

To determine if the apprenticeship committee(s) are meeting regularly, documenting actions, discussing and reviewing apprentice records, and making appropriate assessments and evaluations.

(a) Findings

- (1) The program has a Committee that meets quarterly. The documentation of these meetings is on file and was reviewed by auditors. The program sends the agenda and concluding meeting minutes to its JATC members.

(b) Recommendation

- (1) Due to the high number of apprentices and the need to increase oversight, it is highly recommended that the JATC meet more frequently: if not monthly, then at a minimum every other month – Due within 30 days.
- (2) Ensure that DAS apprenticeship consultant is advised of committee meetings well in advance and the consultant will endeavor to participate in meetings when possible.

Section 3076, 3080(b), 3078(d)(f), 3079, 3093(k), of the California Labor Code, and Section 213, 218, 212(7), 208(5), 205(e)(f)(g)(i), 212(c)(1)(6) (9), 224 of the California Code of Regulations states that the program sponsor must maintain adequate documentation and records.

COMMENTS FROM PROGRAM SPONSOR

Comments, if submitted by the program sponsor during the 14-day review and comment period, will be included with this report to the Chief of DAS.

CORRECTIONS AND TIMELINE


The audit findings and recommendations are outlined in this report. The programs have 14 days from the receipt of this report to review and submit comments on the report. Within 10 days following the receipt of comments or the completion of the comment period, a final report will be submitted by the Chief of DAS to the California Apprenticeship Council.

The final report will detail the findings with recommendations for remedial actions. The programs must remedy all deficiencies and be in full compliance with their apprenticeship standards. The programs must notify the DAS in writing when deficiencies have been remedied. A DAS representative will schedule an appointment to review the completion of the remedial actions. Failure to comply may be grounds for withdrawing state approval of the apprenticeship programs.

REMARKS

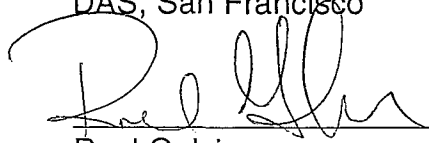
The results of this audit do not modify, replace or negate other duties and requirements or any previous notices you may have received regarding the fulfilling of your obligations prior to or after the audit period. Also, law changes or new rulings might result in different findings in future audits.

Respectfully submitted by,



Victor Rodriguez
Apprenticeship Consultant
DAS, San Francisco

8/13/07
Date



Raul Galvin
Industrial Relations Representative
DAS, San Francisco

8-13-07
Date



BAY AREA COUNTIES ROOFING/WATERPROOFING JOINT APPRENTICESHIP TRAINING COMMITTEES

REGIONAL JATC • EAST & NORTH BAY JATC • WEST BAY JATC

1661 20th STREET • SUITE 3
OAKLAND, CALIFORNIA 94607

PHONE: 510-628-3650

FAX: 510-628-3655

E-MAIL: info@rwprogram.com

Aug. 27, 2007

Mr. Victor Rodriguez
Apprenticeship Consultant
455 Golden Gate Ave. 10th Floor
San Francisco, CA 94102

Dear Mr. Rodriguez:

This letter is in response to the final audit reports for the West Bay Roofers and Waterproofers JATC – DAS # 00109 and East Bay and North Bay Roofers and Waterproofers JATC – DAS # 02898 performed on June 25-29, 2007.

As Director of Apprenticeship Training for these two programs that are essentially the same program and they were audited at the same time by you and Mr. Raul Galvan (Industrial Relations Representative) it shows inconsistencies in some of the timelines given for correcting our program's deficiencies, therefore I will like to request that the deadlines be the same and that the longer deadline should apply in each and every case.

For ease of identification, I refer below to the section headings in the West Bay audit report, which are numbered. (The corresponding sections in the E.Bay/N.Bay report are not numbered.)

Section 3, Active Apprentices -- Recommendation #2 (tracking system): West Bay given 30 days. E.Bay/N. Bay given 60 days.

Section 4, On-the-Job Training -- Recommendation #4 (develop a mechanism) and #5 (The program should): West Bay given 60 days for #4 and given 60 days for #5. For E.Bay/N.Bay given 60 days (Please note that #4 equals #4 & #5 for West Bay). Recommendation #6 (enforce evaluations): West Bay given 60 days. E.Bay/N.Bay given 30 days.

Section 5, Related and Supplemental Instruction -- Recommendation #1 (curriculum): West Bay given 90 days. E.Bay/N.Bay given 30 days.

Section 5, Related and Supplemental Instruction -- Recommendation #3 (training center): West Bay given 1 year. E.Bay/N.Bay given 90 days.

Section 6, Progress Records, Periodic Advancements and Evaluations -- Recommendation #1 (process to identify apprentices not progressing on schedule): West Bay given 60 days. E.Bay/N.Bay given 30 days.

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Section 6, Progress Records, Periodic Advancements and Evaluations --

Recommendation #4 (bring employers not in compliance before JATC): West Bay given 60 days. E.Bay/N.Bay given 30 days.

Section 6, Progress Records, Periodic Advancements and Evaluations --

Recommendation #5 (develop tracking system to monitor low retention): West Bay given 60 days. E.Bay/N.Bay given 30 days.

Section 7, Mechanism to Keep Apprentices Reasonably Employed -- Recommendation

#1 (process to review work processes): West Bay given 60 days. E.Bay/N.Bay given 30 days.

Section 7, Mechanism to Keep Apprentices Reasonably Employed -- Recommendation

#2 (tracking system to monitor low retention): West Bay given 90 days. E.Bay/N.Bay given 30 days.

Section 8, Training Center -- Recommendation #1 (building fun and additional

classroom): West Bay given no time line. E.Bay/N.Bay given 90 days for recommendation #1 and 60 days for Recommendation #3 (#2).

Section 9, Job Site Visit -- Recommendation #1 (increase monitoring of job sites): West

Bay given 60 days. E.Bay/N.Bay given 30 days.

Section 9, Job Site Visit -- Recommendation #2 (ensure recording of work processes):

West Bay given 60 days. E.Bay/N.Bay given 30 days.

Section 9, Job Site Visit -- Recommendation #3 (ensure Journeyman knowledge): West

Bay given 60 days. E.Bay/N.Bay given 30 days.

Section 11, Committee Meetings and Minutes of Meetings -- Recommendation #1 (more

frequent JATC meetings): West Bay given 60 days. E.Bay/N.Bay given 30 days.

On Corrections:

Please correct on East Bay and North Bay page #4 (Introduction) Under BACKGROUND, 2nd paragraph where it reads "Once completed, the apprentice returns to the Local 40..." Please changed to 81.

On page # 10 (Progress records) on (a) Findings (3) - change the drop out rate to 73% to reflect same as on page#2 (Audit Summary) on Summarization of the findings paragraph.

COMMENTS:

1. STANDARDS:

The Revision of Standards for both programs (East Bay & North Bay JATC and West Bay JATC) were approved on August 1st, 2007.

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2. RULES AND REGULATIONS:

A recommendation will be made to both JATC's to meet more frequently to address these issues within the next 60 days.

3. ACTIVE APPRENTICES AND CANCELLATIONS:

- (1) Once both JATC's agree to meet more frequently, cancellations and completions will be reported in a more timely matter.
- (2) We have implemented "Union Manager" software designed to keep better track of each apprentice progress and related supplemental instruction (RSI) hours.

4. ON-THE-JOB TRAINING (OJT)

- (1) We have a form that each apprentice has to fill out to report his/her individual work process. In order to make it more timely and accurate a recommendation for a "one day layoff" will need to be approved by both JATC's.
- (2) A notice to the employers will be sent regarding the importance of timely and accurate reporting of On-the Job training once the respective JATC's approved a sanction for non-compliance to the apprentice and/or the employer, 30 days more will be needed for a total of 60 days to be able to meet with both JATC's.
- (3) Once we start to receive timely and accurate OJT reports from apprentices and/or contractors the information will be recorded into "Union Manager" to be reflected in each apprentice file. The time line will need to be 60 days.
- (4) & (5) Once # 2 (above) has been achieved a mechanism will be in place to identify those apprentices who have not submitted timely OJT hours.
- (6) By fulfilling #1 thru #5 and with more participation from the employers a better evaluation enforcement of the apprentices will be in place ensuring proper training and supervision in all required work processes. A 90 day time line will be needed.

5. RELATED AND SUPPLEMENTAL INSTRUCTION (RSI):

- (1) Since we have an open door policy and apprentices join our trade all year round our curriculum is set to accommodate new and advanced apprentices. All apprentices need to complete all our Units of instruction to cover the general knowledge of our trade and to cover all the safety issues related to the scope of work of the apprentices.
- (2) We will continue inviting our LEA representatives to our JATC's meetings and request more participation from them.
- (3) Last year a Building Fund was set in place to set up our own Training Center, a merger agreement has been created and is being revised by the JATC's and as soon as the available funding match the price for the building needed a training facility will be set for our trade.

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- (4) During the last year a better tracking enforcement of RSI was set in place reflecting in better attendance and a more timely progress for the apprentices
- (5) A quarterly report will be provided to each apprentice where they can review their status on actual vs. planned completion of both RSI and OJT hours, a timeline of 90 days will be needed to match our school schedule.

6. PROGRESS RECORDS, PERIODIC ADVANCEMENTS AND EVALUATIONS:

- (1) Since the implementation of "Union Manager" apprentices are more easily identify when they are not progressing, a notice is mailed to the apprentice and a copy to the employer to find out why he/she is not progressing.
- (2) Employers will be informed about the importance of filling out a complete apprentice's evaluation and to have it signed by the apprentice and job site representative.
- (3) Apprentices not complying with our rules and regulations will be cited to appear before the corresponding JATC for disciplinary actions or corrections.
- (4) The JATC's will have to call the attention of those employers found not in compliance and request their appearance before the corresponding JATC for explanation or deregistration.
- (5) We will work on a way to set up a tracking system to monitor the possible causes of low retention.
- (6) A quarterly report will be provided to each apprentice where they can review their status on actual vs. planned completion of both RSI and OJT hours, a timeline of 90 days will be needed to match our school schedule.

7. MECHANISM TO KEEP APPRENTICES REASONABLY EMPLOYED:

- (1) We will work on a way to set up a tracking system to monitor the possible causes of low retention and why they are leaving the trade.

8. TRAINING CENTER:

- (1) Last year a Building Fund was set in place to set up our own Training Center, a merger agreement has been created and is being revised by the JATC's and as soon as the available funding match the price for the building needed a training facility will be set for our trade.

9. JOB SITE VISIT:

- (1) An increase on monitoring of the job sites will be set in place to ensure that apprentices are adequately employed and supervised.
- (2) We can achieve this with more participation of the apprentice foreman supervisor or employer. We have a form that each apprentice has to fill out to report his/her individual work process, in order to make it more timely and accurate a recommendation for a "one day layoff" will need to be approved by both JATC's and more participation from the employers to enforced in the next 60 days.

- (3) A notice describing the importance of recording and tracking apprentice OJT hours will be mailed to all contractors, requesting that all Journeyman needs to be informed about the importance of this process.

10. SELF-ASSESSMENT REVIEW AND PROGRAM IMPROVEMENT PLAN:

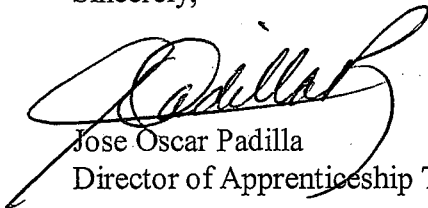
- (1) Some of the information on findings and recommendations will be included in our Self-Assessment Review and Program Plan for 2007.

11. COMMITTEE MEETINGS AND MINUTES OF MEETINGS

- (1) A recommendation will be made to both JATC's to meet more frequently to address these issues within the next 60 days.
- (2) We will continue providing timely announcements to our DAS apprenticeship consultant.

Thanks for your information on findings and recommendations regarding this audit process. If you have any questions or need clarification, please feel free to contact me.

Sincerely,



Jose Oscar Padilla
Director of Apprenticeship Training

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